IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 836 of 2007

DATE OF DECISION: 19.1.2007

Gurmeet Singh ....Petitioner.

Versus

Divisional Commissioner, Patiala ad and another ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. Ashok K. Sharma, Advocate
for the petitioner.

J.S. Khehar, J. (oral)

The petitioner has a licence for selling non-judicial stamp papers. A complaint was made against the petitioner to the effect that the petitioner was overcharging while selling stamp papers. The Sub Divisional Magistrate, Ludhiana (East) visited the selling station of the petitioner and in his presence, while selling a stamp paper valued at Rs.15/-, the petitioner accepted Rs.20/-. It is not the case of the petitioner that the SDM, Ludhiana (East) did not visit the petitioner at his selling station, nor is the case of the petitioner that the Sub Divisional Magistrate, Ludhiana (East) was inimical to the petitioner. Consequent upon the submission of a report at the hands of the Sub Divisional Magistrate, Ludhiana (East) affirming that the petitioner was overcharging while selling stamp paper, the District Collector, Ludhiana, by an order dated 18.5.2004 cancelled the petitioner's licence, bearing

No.181/HRC authorising him to sell stamp papers.

Dissatisfied with the order passed by the District Collector, Ludhiana, dated 18.5.2004 the petitioner preferred an appeal before the Divisional Commissioner, Patiala Division, Patiala. The aforesaid appeal was dismissed by the Divisional Commissioner on 19.1.2006.

Through the instant writ petition, the petitioner challenged the orders dated 18.5.2004 passed by the District Collector, Ludhiana, as well as, the appellate order dated 19.1.2006 passed by the Divisional Commissioner, Patiala Division, Patiala.

The solitary contention of the learned counsel for the petitioner is that the petitioner ought to have been issued a show cause notice and afforded an opportunity of hearing in terms of the rules of natural justice, before any action could be taken against him. It is not possible for us to accept the instant contention of the learned counsel for the petitioner. Since the petitioner has acknowledged the visit of the SDM, Ludhiana (East) at his selling station, and also, that the SDM, Ludhiana (East) was not inimical to him, it is not possible to find any fault with the report of the SDM, Ludhiana (East), specially in the light of the fact, that even during the course of hearing, learned counsel for the petitioner accepted that the petitioner had taken a sum of Rs.20/- for the sale of stamp paper valued at Rs.15/-, but, according to the learned counsel for the petitioner, the remaining amount of Rs.5/- was not returned on account of the fact, that the petitioner was not in possession of change to return the same. In the peculiar circumstances of the case, specially when the entire sequence of events was noticed by the SDM, Ludhiana (East) personally, his report has to be accepted as authentic.

In view of the above, we find no merit in this petition and the same is, accordingly, dismissed.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

January 19, 2007.
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